

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NONNA ALEKPEROVA,

Plaintiff,

- v -

INTERFAITH MEDICAL CENTER, et al.,

Defendants.

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ORDER

CV-04-202 (JBW)(VVP)

By letter dated July 26, 2005, the defendants have moved to compel the plaintiff to produce drafts of an affidavit eventually signed by two witnesses in this case, as well as other correspondence and documents related to the preparation of the drafts. Although in written responses to the requests the plaintiff objected to production of the documents on the basis of privilege, the plaintiff has not responded to the defendants' motion. Since it is the burden of the proponent of a privilege to establish its applicability to information in question, *see, e.g., In re Grand Jury Subpoenas Dated March 19, 2002 and August 2, 2002*, 318 F.3d 379, 384 (2nd Cir. 2003) (citing *United States v. International Bhd. of Teamsters*, 119 F.3d 210, 214 (2d Cir. 1997)), and since that burden has not been met, the motion to compel is granted. The documents requested by the defendants shall be produced within ten days.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
August 3, 2005